

### **III. REMARKS**

Claims 1-26 are pending in this application. By this amendment claims 4, 6, 10, 13, 17, 21 and 23 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-3, 6-9 and 13-16 are rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Flemming *et al.* (U.S. Patent No. 5,664,210), hereafter “Flemming.” Claims 4-5, 10-12 and 17-26 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Flemming in view of Habib *et al.* (U.S. Patent No. 5,694,610), hereafter “Habib.”

#### **A. REJECTION OF CLAIMS 1-3, 6-9 and 13-16 UNDER 35 U.S.C. §102(a)**

With regard to the 35 U.S.C. §102(a) rejection over Flemming, Applicants assert that Flemming does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 9, 17, 21 and 23, Applicants submit that the Office does not prove that Flemming teaches selecting a second set of data within the application, wherein the first set of data remains selected during the selection of the second set of data, wherein the method is adapted to allow selecting of the second set of data anywhere within the application irrespective of a location of the first set of data. Interpreting Flemming solely for the purpose of this paper, the passage of Flemming cited by the Office indicates that the multiple portions of

selected text "...may be adjacent or non-adjacent to each other." Col. 8, lines 11-12. To this extent, Flemming appears to refer exclusively to adjacent or non-adjacent text selection.

Assuming this is to be the case, other types of text selection appear to be excluded in Flemming. These types of excluded text selection could include, for example, overlapping selections and selections in which one selection is entirely subsumed by another selection.

In contrast, the claimed invention includes "...selecting a second set of data within the application, wherein the first set of data remains selected during the selection of the second set of data, wherein the method is adapted to allow selecting of the second set of data anywhere within the application irrespective of a location of the first set of data." Claim 1. As such, unlike the adjacent or non-adjacent text selection of Flemming, in the claimed invention, the second set of data of the claimed invention may be anywhere within the application irrespective of a location of the first set of data. Thus, the Office does not prove that the selecting of the second set of data is not taught by Flemming. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With respect to newly amended claims 6 and 13, Applicants respectfully submit that Flemming also fails to teach that the method is adapted to allow selection of the second set of data that overlaps the first set of data. As stated above, Flemming indicates only adjacent or non-adjacent selections. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features.

Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

### **C. REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)**

With regard to the 35 U.S.C. §103(a) rejection over Flemming in view of Habib, Applicants assert that the combined references cited by the Office fail to teach or suggest each and every feature of the claimed invention. With respect to independent claims 17, 21 and 23, and with respect to dependent claims 4 and 10, Applicants submit that the cited references fail to teach or suggest selecting, in a distinctive manner, a portion of one of the selected sets of data in a same window of the application from which the selected sets were selected, wherein the one of the selected sets of data remains selected during the selection of the portion. The Office admits that Flemming does not specifically teach this feature. Instead, the Office relies on a passage of Habib. However, the passage in Habib cited by the Office describes selection of text already selected within a dialog box. To this extent, the selection of the text of Habib is not “in a same window of the application from which the selected sets were selected” but rather is within a dialog box external to the application. Accordingly, Applicants request that the rejection be withdrawn.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these

rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

#### **IV. CONCLUSION**

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. These features have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

/Hunter E. Webb/

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